

The Gazette of India

EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 63] NEW DELHI, FRIDAY, DECEMBER 13, 1963/AGRAHAYANA 22, 1885

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 13th December, 1963:—

BILL No. XXIV OF 1963

A bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fourteenth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1963. Short title.

2. In article 143 of the Constitution, to clause (1), the following Amendment proviso shall be added, namely:— of art. 143.

“Provided that if not less than one-tenth of the total number of members of Parliament make a representation to the President in writing that any Bill pending before either House of Parliament contains provision which in their opinion takes away or abridges any of the rights conferred by Part III, the President shall refer every such Bill to the Supreme Court for its opinion and either House of Parliament shall not proceed with that Bill until such opinion has been obtained.”

STATEMENT OF OBJECTS AND REASONS

Under article 143 of the Constitution, the President may consult the Supreme Court for its advisory opinion if it appears that a question of law or fact has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Supreme Court upon it. Instances may arise in the future as they have arisen in the past, when serious doubts may be entertained by members of Parliament that the provisions of a Bill pending before Parliament might violate the fundamental rights conferred by Part III of the Constitution. It seems necessary to make it obligatory for the President to refer all such Bills to the Supreme Court for its advisory opinion before Parliament proceeds with them, so that Parliament may not enact legislation which the courts might declare void subsequently. Hence this Bill.

BHUPESH GUPTA.

B. N. BANERJEE,
Secretary.